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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,452	08/19/2003	N. S. Ramesh	D-30321-01	4135
7590 09/08/2005			EXAMINER	
Sealed Air Corporation P.O. Box 464 Duncan, SC 29334			CHANG, VICTOR S	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 09/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,452

Applicant(s)

RAMESH ET AL.

Examiner

Victor S. Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6, 7, 9-11, 17, 18, 23, 24, 32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8, 12-16, 19-22 and 25-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/19/03, 10/17/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (claims 1-31); Particle Species A (inorganic particles); Particle Species C (mica); amount of particle species (a)(3) (claim 8); thickness species (b)(1) (claim 16); and flexural modulus species (c)(1) (claim 22) in the reply filed on 8/15/2005 is acknowledged. In summary, the elected claims are 1, 5, 8, 12-16, 19-22 and 25-31. Non-elected claims 2-4, 6, 7, 9-11, 17, 18, 23, 24, 32 and 33 are withdrawn from further consideration. It should be noted that the scope of non-elected claims 9-11 are not commensurate with elected claim 8, so as non-elected claims 17 and 18 are incommensurate with elected claim 16, as such claims 9-11, 17 and 18 are withdrawn as well.

Claim Objections

2. Claim 19 is objected to because of the following informalities: It is noted that claim 19 is a duplicate of claim 16. Cancellation or appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 8, 12-16, 19 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Rauh (US 3698993).

Rauh's invention relates to a closed cell foamed thermoplastic sound deadening sheet having distributed particulate matter of sizes ranging from 40 to 200 mesh (i.e., 74-400 microns). The ratio, by weight, of the thermoplastic to particulate matter is about 1 to 6. The sheet is from 1/8 to 1/4 inch thick (abstract). Rauh teaches that polyethylene may be used for forming the sheet (column 3, lines 21-23). Further, Rauh expressly teaches that the preferable particles are metallix oxides, etc. (column 3, lines 36-38), which reads on mica of instantly claimed invention. Regarding the electrically conductive particles, since they are claimed as optional, there is no requirement for the prior art to provide or account for them. Further, it should be noted that the elected filler particles of mica is inherently electrically non-conductive.

Claims lack novelty.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-22, 30 and 31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rauh (US 3698993).

The teachings of Rauh are again relied upon as set forth above.

For claims 20-22, 30 and 31, Rauh is silent about the density and flexural modulus of the closed cell foamed thermoplastic sound deadening sheet, however, since Rauh teaches the same subject matter and for the same application as the instant invention, it is the Examiner's position that suitable density and flexural modulus of the sheet product are either anticipated by Rauh, or are obviously provided by practicing the invention of the prior art. It should be noted that where the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. See MPEP § 2112.01.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kakimoto et al. (US 4803112) is directed to an impact cushioning sheet. Kakimoto expressly teaches that a filler such as mica is effective for improving the vibration damping and sound insulating properties (column 9, lines 29-37).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S Chang
Examiner
Art Unit 1771

9/1/2005